

MEMO ENDORSED

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August 5, 2020

By ECF

The Honorable Lewis A. Kaplan,
United States District Court,
Daniel Patrick Moynihan United States Courthouse,
500 Pearl Street
New York NY 10007-1312.

Re: Dennis, et al. v. JPMorgan Chase & Co., et al., No. 16-cv-6496-LAK (SDNY)

Dear Judge Kaplan:

Counsel for Defendant Australia and New Zealand Banking Group Ltd. (“ANZ”) write to request that the Court so-order this letter to permit ANZ to file under seal, as exhibits to ANZ’s Rule 12(c) Motion for Judgment on the Pleadings (the “Motion”), the ISDA Master Agreement it entered into with an investment manager acting on behalf of Plaintiff Orange County Employees Retirement System (“OCERS”) and two trade confirmations evidencing transactions with OCERS.

The Court previously granted ANZ’s motion to file these same documents under seal as Exhibits A, A-1, and A-2 to ANZ’s Answer to Plaintiffs’ Second Amended Class Action Complaint.¹ (See Dkt Nos. 372, 385, 386.) ANZ is resubmitting these documents for the Court’s convenience in connection with the Motion. ANZ seeks to file these documents under seal to maintain consistency with the Court’s earlier sealing orders and to preserve the confidentiality of the documents’ commercially sensitive information, publication of which may result in competitive or commercial harm to ANZ or OCERS, and the confidentiality of the identities of counterparties to the ISDA Master Agreement other than OCERS.

¹ In connection with filing ANZ’s Answer, we sought Plaintiffs’ counsel’s consent to seal these exhibits, and they took no position.

The Honorable Lewis A. Kaplan
United States District Judge

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Accordingly, ANZ requests that Your Honor endorse this letter to permit ANZ to file the documents under seal. Pending the Court's resolution of this request, ANZ will file placeholders for these exhibits on the public docket.

Respectfully Submitted,

/s/ Penny Shane
Penny Shane

cc: Counsel of Record (via ECF)

SO ORDERED

/s/ Lewis A. Kaplan
Lewis A. Kaplan

August 6, 2020